



Entered on Docket
June 11, 2008

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,² Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE I-40
GATEWAY WEST LOAN**

Hearing Date: June 9, 2008
Hearing Time: 9:30 a.m.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the I-40 Gateway West Loan (the "Objection") [DE 6260]. Adequate notice
4 of the Objection was given. The Court heard the Objection on June 9, 2008. No responses
5 were filed to the Objection and no opposition was raised at the hearing. Good cause
6 appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
10 are based upon an investment in the I-40 Gateway West Loan. The Proofs of
11 Claim listed in Exhibit A are not affected by this order to the extent they are
12 based upon an investment in a loan(s) other than the I-40 Gateway West Loan;
13 and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 #####
17 PREPARED AND SUBMITTED:
18

19 **LEWIS AND ROCA LLP**
20 By: /s/ RC (#0006593)
21 Susan M. Freeman
Rob Charles
John Hinderaker
22 *Attorneys for USACM Liquidating Trust*
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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 The Court waived the requirements of approval under LR 9021.
- 4 No parties appeared or filed written objections, and there is no trustee appointed
5 in the case.
- 6 No opposition was filed to the motion and no other party or counsel appeared at
7 the hearing.
- 8 I have delivered a copy of this proposed order to all attorneys and unrepresented
9 parties who have appeared at the hearing, and any trustee appointed in the case,
 and each has approved or disapproved the order, or failed to respond, as
 indicated below:

10 **LEWIS AND ROCA LLP**

11 By: /s/ RC (#0006593)
12 Susan M. Freeman
13 Rob Charles
14 John Hinderaker
15 *Attorneys for USACM Liquidating Trust*